

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLIFFORD COLLINS, JR., as Next Friend of
CLIFFORD COLLINS III,

Plaintiff,

Case No. 08-11022

v.

Honorable John Corbett O'Meara

AARON SHEWSBURY, ROSANA HOOPER,
RAY CULLEN, DONALD FARAGO,
KENNETH
MAY, MICHAEL LIVIDINI, STEVEN
SCHWEIN, CAMERON PRIEBE, in their
individual capacities, and the CITY OF
TAYLOR

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiff filed a six-count complaint in this court on March 10, 2008, alleging the following:¹ false arrest and false imprisonment in Count I; intentional infliction of emotional distress in Count II; gross negligence in Count III; violation of the Fourth Amendment, pursuant to 42 U.S.C. § 1983 in Count IV; constitutional violations by Defendant City of Taylor in Count V; and slander per se by Defendant Cameron Priebe in Count VI.

While the claims alleging violations of federal law are cognizable in this court pursuant to 28 U.S.C. §§ 1331, 1337, the remaining allegations in the complaint present claims based on state law. The parties to this matter are not diverse. Therefore, this court declines to exercise pendent jurisdiction over the state claim. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c).

¹Unless otherwise noted, each defendant is charged with the following counts.

Accordingly, it is hereby **ORDERED** that Counts I, II, III, and VI are **DISMISSED**.

s/John Corbett O'Meara

United States District Judge

Date: June 9, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 9, 2008, by electronic and/or ordinary mail.

s/William Barkholz

Case Manager